Sectt. IF-27—40,000—14-10-36.

Development (1937) Department.

MS SERIES.

G.O. No. 1300

DATED 10.6.1937

[Despatch Abstract.]

Forests - South Kanara - Dottinaberu Reserved Forest - Local Fund Road exclusion from reservation - erratum to notification - Orders passed.

Endorsement

F.S.M.

C.F. 30.

Forest **DEPARTMENT.**

Received ..... 19 *Registered* Dev. 1816 I 19

25.5.37

Subject. Erratum to Section 16 notification - South Kanara - Dottinaberu Reserved Forest Local Fund road.

ENCLOSURES.
No. .....
.....
Spare copies .....

Reference No. 4172-37-D3.

Station Madras, *Dated the* 20th May 19 37.

From (Name) T.A. Whitehead Esq., I.F.S.,
(Designation) Ag. Chief Conservator of Forests.

To The Secretary to the Government of Madras,
Development Department.

Sir,

The Forest Settlement Officer appointed to settle the claims over the Dottinaberu block (in Coondapur taluk, South Kanara district) decided to exclude from the Reserved Forest, the Local Fund road from Hosangadi to Shankaranaraina to a width of two chains, one chain on either side from the centre of the road - vide remarks against item 11 in the B register of claims printed on page 5 of G.O.No.445 Revenue, dated 13-8-1898.

In the Section 16 notification however the desired exclusion from centre of the road has not been clearly described and the existing description which is extracted below needs amendment.

Extract from the section 16 notification.

'The Local Fund road from Hosangadi to Shankaranarayana to a width of forty-four yards from the centre of the road for men, cattle and carts has been excluded from reservation. It enters the reserve at cairn No.13 and running south-west for about one mile, quits it on the west side of cairn No.23.'

A draft erratum is accordingly submitted for approval and publication in the Fort Saint George Gazette.

2. The Superintendent, Government Press, may be instructed to supply this office with two copies of the erratum on publication.

C. Shelswell 22.5.

for Ag. Chief Conservator.

Enc: Draft erratum in duplicate.

22-5

oav.21.5

3

Erratum.

In Revenue Department Notification No.377 ,dated 13th August 1898, published at pages 780 and 781 of Part I of the Fort Saint George Gazette, dated 23rd August 1898, constituting a Dottinaberu Reserved Forest in Coondapur Taluk, South Kanara district, under Section 16 of the Madras Forest Act,

For the first sentence "The Local Fund road ~~fm~~ from Hosangadi to Shankaranarayana to a width of forty four yards from the centre of the road for men, cattle and carts has been excluded from reservation" in Remarks II under the boundary description,

the following should be substituted, namely:-

~~Read~~ "The Local Fund road from Hosangadi to Shankaranarayana to a width of forty four yards, one chain on either side from the centre of the road, for men, cattle and carts, has been excluded from reservation."

4

Dev. Dept.

Cir. No. 1816 D 37-1 S.

The S. G.P. is requested to publish the appended erratum in the first St. George Gazette and to send two copies each of the erratum to the C.C. & A. & to this Dept. after publication.

RK 31/5/37

Forms

To: The S. G.P.

29/5/37.

Ack 31/5

Appendix.

Erratum.

(H.C. No 3 C.F.).

I see Dept. may see. The erratum is not issued in 1898. It seems to the intention clear.

RK 31/5/37

DD Cir 1816 D 37-1

31. 5. 37

UNDER SECRETARY OF STATE
29
1 - JUN 1937
LEGAL DEPARTMENT

5
2

Legal Department

Discussed with the Assistant Secretary, Development Department.

p 8 c (H)

2. The notification of 1898 excluded from the reservation, that is, from the limits of the reserved forest, the Local Fund road to a width of 44 yards from the centre of the road. This will ordinarily mean, to a width of 44 yards on either side of the centre of the road, that is, to a total width of 88 yards. The intention however was merely to exclude a total width of 44 yards in all, that is, a width of one chain or 22 yards on either side of the centre of the road. But the intention has not been implemented by the language employed in the notification of 1898. The description of the limits of the reserve forest contained in the old notification seems therefore to be 'defective' within the meaning of section 17-A of the Madras Forest Act, 1882, which was added by the recent amending Act, Madras Act VII of 1936. It is consequently desirable to adopt the procedure set forth in that section in this case. That will obviate all doubt and is therefore preferable to the issue of an erratum as proposed.

K.M.
2/6/37

I agree
3/6

S

Legal 2912-1

D. 1925 I 363)
7.6.37

UNDER SECRETARY TO GOVT.
4-JUN 1937
DEVELOPMENT DEPARTMENT

14

FW

FO A.S.

Draft order is submitted for approval.

5/6/37.

KR
7/6/37

6.6.37

48/16b Date. Initials.

C.F. 16.

DRAFT FOR APPROVAL.

Dev. Deptt.

SUBJECT:— Forests. —

South Kanara — Bottinabara Reserved Forest — Local Fund Road — exclusion from reservation — erratum to notification — cancelled.

When received for fair copying ..
When copied ..
When examined ..
When signed ..
When despatched.

READ AGAIN For. No. 445 - Rev., dated 13 — 8 — 1898. (H)

" " — " — 19—.

READ *ALSO*:—

No. 1816 From the C.C.F. Rly, No. 4172-32, dated 20-5-1937. H 1-4

" — " — " — " — 19—.

" — " — " — " — 19—.

Order Ms. No. 1300, dated 10 · 6 · 1937.

The notification of 1898 excluded from the reservation, that is, from the limits of the reserved forest, the Local Fund Road to a width of 44 yards from the centre of the road. This will ordinarily mean, to a width of 44 yds on either side of the centre of the road, that is, to a total width of 88 yards. But the intention was merely to exclude a total width of 44 yds or a width of 22 yds on

either side of the centre of the road. The description of the limits of the reserved forest contained in the old notification seems is therefore to be 'defective' within the meaning of Section 17-A of the Madras Forest Act, 1882 - and the Govt. consider it desirable to adopt the procedure set forth in that section in this case. The C.C.F. is requested to take action accordingly.

RC 7.6.37

Cir 8.6.37

Secy Govt 11.6.37

5/6/37.

To

The C.C.F.